



January 27, 2006

HOUSE BILL No. 1080

DIGEST OF HB 1080 (Updated January 26, 2006 1:53 pm - DI 14)

Citations Affected: IC 16-21; noncode.

Synopsis: Sets standards for the physical plants of abortion clinics. Provides that physical plants of abortion clinics even if they were in operation prior to July 1, 2006, must meet the standards for physical plants.

Effective: July 1, 2006.

Stutzman

January 5, 2006, read first time and referred to Committee on Public Policy and Veterans Affairs.
January 26, 2006, amended, reported — Do Pass.

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HB 1080—LS 6675/DI 104+



January 27, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

HOUSE BILL No. 1080

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-21-2-2.6 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [[EFFECTIVE
3 JULY 1, 2006]: **Sec. 2.6. (a) Before January 1, 2007, the physical
4 plant of an abortion clinic must meet the conditions of this section
5 for the clinic to be licensed under IC 16-21-2-2.5.**

6 **(a) Building entrances that are used to reach the clinic must be:**

7 **(A) at grade level;**

8 **(B) clearly marked;**

9 **(C) located so that patients need not go through other
10 activity areas; and**

11 **(D) when an abortion clinic is part of another facility,
12 separation of an access to the clinic must be maintained.**

13 **Lobbies of multiple occupancy buildings may be shared.**

14 **The design of the clinic must preclude unrelated traffic
15 from the clinic.**

16 **(b) The clinic design must ensure appropriate levels of patient:**

17 **(A) audible and visual privacy; and**

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- 1 (B) dignity;
- 2 throughout the care process.
- 3 (c) For common administration and authorized visitor areas, the
- 4 clinic must be able to accommodate wheelchairs and provide:
- 5 (1) a reception and information counter or desk that is:
- 6 (A) located to provide visual control of the entrance to the
- 7 clinic; and
- 8 (B) immediately apparent from the entrance;
- 9 (2) a waiting area that must be under staff control. The
- 10 waiting area must contain at least two (2) spaces for each
- 11 examination and procedure room;
- 12 (3) at least one (1) conveniently accessible toilet room
- 13 containing a lavatory for hand washing;
- 14 (4) a conveniently accessible drinking fountain;
- 15 (5) interview space for private interviews related to social
- 16 services, credit, and other issues involving privacy; and
- 17 (6) general storage facilities for supplies and equipment
- 18 needed for continuing operation.
- 19 (d) Requirements for clinical facilities are as follows:
- 20 (1) Procedure rooms must be segregated and removed from
- 21 general traffic flow and be at least:
- 22 (A) one hundred twenty (120) square feet, exclusive of
- 23 vestibules, toilets, and closets, for procedures requiring
- 24 only local analgesia or nitrous oxide; and
- 25 (B) two hundred fifty (250) square feet, exclusive of
- 26 vestibules, toilets, or closets, for procedures that require
- 27 conscious sedation.
- 28 (2) A hand washing station shall be included within each
- 29 procedure room.
- 30 (3) Scrub facilities:
- 31 (A) shall be provided near the entrance of procedure
- 32 rooms;
- 33 (B) may provide service to multiple procedure rooms if
- 34 needed; and
- 35 (C) shall be arranged to minimize splatter on nearby
- 36 personnel or supply carts.
- 37 (4) A separate recovery room or area must be included and
- 38 provide for the following:
- 39 (A) A minimum clear area of two (2) feet, six (6) inches
- 40 around three (3) sides of each recovery cart or lounge
- 41 chair for work and circulation.
- 42 (B) A method of providing privacy for each patient in the

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- 1 room or area.
- 2 (C) A work station with
- 3 (i) a counter top;
- 4 (ii) space for supplies;
- 5 (iii) provisions for charting; and
- 6 (iv) a communication system.
- 7 (5) A drug distribution station must be included. The station:
- 8 (A) may be part of the work station;
- 9 (B) must include a:
- 10 (i) work counter;
- 11 (ii) sink; and
- 12 (iii) locked storage for biologicals and drugs; and
- 13 (C) may include a refrigerator if needed.
- 14 (6) A toilet room containing a lavatory for hand washing shall
- 15 be accessible from all examination and procedure rooms. If a
- 16 clinic has no more than a total of three (3) examination and
- 17 procedure rooms, the patient toilet may also serve as the toilet
- 18 for the waiting area.
- 19 (e) Requirements for design standards are as follows:
- 20 (1) At least one (1) housekeeping room with:
- 21 (A) a service sink; and
- 22 (B) adequate storage for housekeeping supplies and
- 23 equipment;
- 24 shall be provided.
- 25 (2) Hand washing stations must:
- 26 (A) be located and arranged to meet the needs of the clinic;
- 27 (B) permit proper use and operation; and
- 28 (C) include provision for hand drying equipment except at
- 29 scrub sinks.
- 30 (3) There must be an equipment room or rooms for:
- 31 (A) heating;
- 32 (B) air conditioning;
- 33 (C) hot water; and
- 34 (D) other mechanical and electrical;
- 35 equipment.
- 36 (4) Incinerators, if used, must conform to the building
- 37 standards prescribed by area air pollution regulations.
- 38 (5) The minimum corridor width must be forty-four (44)
- 39 inches. Items including drinking fountains, telephones, and
- 40 vending machines may not:
- 41 (A) restrict corridor traffic; or
- 42 (B) reduce the corridor width below the required

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1 **minimum.**

2 **(6) The minimum nominal door width for patient use must be**
 3 **three (3) feet.**

4 **(7) Each building must have at least two (2) exits that are**
 5 **remote from each other.**

6 **(8) An approved antiscald device must be provided on the hot**
 7 **water supply to all hand washing facilities limiting the water**
 8 **temperature to a maximum of one hundred ten (110) degrees**
 9 **Fahrenheit or forty-three (43) degrees Celsius.**

10 **SECTION 2. [EFFECTIVE JULY 1, 2006] (a) For purposes of this**
 11 **SECTION "department" refers to the department of health**
 12 **established by IC 16-19-1-1.**

13 **(b) Before August 1, 2006, the department shall survey the**
 14 **physical plant of each abortion clinic that is licensed under**
 15 **IC 16-21-2-2.5 and the rules of the department. The department**
 16 **shall determine and list the features of the physical plant of an**
 17 **abortion clinic that are not in compliance with rules adopted by the**
 18 **department under IC 16-21-2-2.5.**

19 **(c) Before September 1, 2006, the department shall notify a**
 20 **clinic that has features found in the survey conducted under**
 21 **subsection (b) that are not in compliance with rules adopted by the**
 22 **department under IC 16-21-2-2.5.**

23 **(d) Before January 1, 2007, the department shall reinspect a**
 24 **clinic that received notice under subsection (c) to determine if the**
 25 **features not in compliance with rules adopted by the department**
 26 **under IC 16-21-2-2.5 have been corrected.**

27 **(e) The department shall revoke the license of an abortion clinic**
 28 **that has received notice under subsection (c) and has not remedied**
 29 **the feature not in compliance with rules adopted by the department**
 30 **under IC 16-21-2-2.5 as noted in the reinspection under subsection**
 31 **(d).**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred House Bill 1080, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1080 as introduced.)

STUTZMAN, Chair

Committee Vote: yeas 6, nays 2.

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